



Order Filed on June 18, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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ATTORNEYS FOR THE DEBTOR(S)

In Re:

FRANCIS D. AVELLA, DEBTOR(S)

Case No.: 18-30162 VFP

Adv. No.:

Hearing Date: N/A

Judge: VINCENT F. PAPALIA

ORDER AUTHORIZING LOAN  
MODIFICATION AND FOR OTHER RELIEF

The relief set forth on the following pages, two (2) through four (4) is  
hereby ORDERED:

**DATED: June 18, 2019**

  
\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

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Debtor: Francis D. Avella, Debtor(s)

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Caption of order: Order Authorizing Loan Modification and for  
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1. That the Debtor(s) be and are hereby authorized to enter into and consummate a loan modification with Specialized Loan Servicing, LLC ('Specialized'), pursuant to the terms and conditions of the proposed loan modification agreement, entitled Home Modification Agreement, filed as an Exhibit in support of this motion relating, to real property located at 4306 Newkirk Avenue, North Bergen, New Jersey 07047 and the loan modification be and is hereby approved.

2. That the Debtor and/or Specialized, be and are authorized to enter and consummate any transaction necessary and incident to the loan modification relating to this property, the sole exception being the transfer of the property or an interest in the property by the Debtor(s) to someone else.

a. Limited automatic stay relief is granted, to allow Specialized, to negotiate any such agreement with the Debtor(s) or counsel, enter into and sign a loan modification agreement, and record any documents with the appropriate county recorders office without such action being considered a violation of the automatic stay.

3. That the Debtor and/or Specialized, are authorized to negotiate and prepare the terms or documents relating to a loan

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modification, or any necessary transaction incident to a loan  
modification agreement, such as, but not limited to the  
circumstances described above, with respect to this property and  
any such negotiation and/or preparation of documents and/or  
recording of documents, by the parties shall not considered to  
be a violation of the automatic stay and are specifically  
authorized by the Bankruptcy Court.

4. That any communication by the parties relating to the  
loan modification shall be considered to be negotiations,  
pursuant to the Rules of Evidence, and shall not be used by  
either party against the other in the context of any subsequent  
litigation in this Court or any state court, federal court or  
non-judicial forum.

5. That nothing in this order shall be construed as a  
modification of the plan.

6. That the mortgage company and/or mortgage servicer may  
not persuade the Debtor(s) to dismiss this case in order to  
consummate a loan modification.

7. That because the mortgage is being modified and the pre-  
petition arrears are being addressed in the new mortgage, the  
pre-petition arrearage claim, filed by Specialized, or its  
predecessors, assignees or successor in interest, as claim

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number two (2) on the claims register, shall not be paid and the  
Trustee shall not make any payments/disbursements on this pre-  
petition arrearage claim or any post-petition arrearage added to  
the plan, if applicable. If the modification is not  
consummated for any reason, Specialized, may, during the  
pendency of this case, re-list the matter for further hearing,  
otherwise, this order shall be deemed final.